

The Hon. James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD PENGELLY,

Defendant.

No. CR21-112-JLR

~~PROPOSED~~

FINAL ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for Entry of a Final Order of Forfeiture for the following property:

1. One Western Digital Internal Hard drive SN: WCASY0662256 seized from TODD PENGELLY on or about June 21, 2019;
2. One Iomega hard drive SN: 97AA14CLI0 seized from TODD PENGELLY on or about June 21, 2019; and,
3. One computer tower with green label seized from TODD PENGELLY on or about June 21, 2019.

The Court, having reviewed the United States' motion, as well as the other pleadings and papers filed in this matter, HEREBY FINDS that entry of a Final Order of Forfeiture is appropriate for the following reasons:

- 1 1. In the Plea Agreement that Defendant Pengelly entered on July 16, 2021, he
2 agreed to forfeit his interest in the above-identified property as property used to
3 commit or to promote his commission of the offense, Possession of Child
4 Pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), to which
5 he entered a guilty plea (Dkt. No. 9, ¶ 13);
- 6 2. On August 23, 2021, the Court entered a Preliminary Order of Forfeiture,
7 finding the above-identified property forfeitable pursuant to 18 U.S.C.
8 § 2253(a) and forfeiting the Defendant's interest in it (Dkt. No. 17);
- 9 3. Thereafter, the United States published notice of the pending forfeiture as
10 required by 21 U.S.C. § 853(n)(1) and Federal Rule of Criminal Procedure
11 ("Fed. R. Crim. P.") 32.2(b)(6)(C) (Dkt. No. 21); and
- 12 4. The time for filing third-party petitions has expired and none were filed.

13 NOW, THEREFORE, THE COURT ORDERS:

- 14 1. No right, title, or interest in the above-listed property exists in any party
15 other than the United States;
- 16 2. The property is fully and finally condemned and forfeited, in its entirety, to
17 the United States; and
- 18 3. The United States Department of Justice, the Federal Bureau of
19 Investigation, and/or their representatives, are authorized to dispose of the property in
20 accordance with the law.

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22 IT IS SO ORDERED.

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24 DATED this 5th day of November, 2021.

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THE HON. JAMES L. ROBERT
UNITED STATES DISTRICT JUDGE

1 Presented by:

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3
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